

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 08-213 (RHK/AJB)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	ORDER
)	
v.)	
)	
MICHAEL DAVID ROBERTS,)	
)	
Defendant.)	

This matter is before the Court upon the motion of the defendant to continue the trial date in this matter. The Court hereby grants the motion for the following reasons:

Defendant's attorney has represented to the Court that he needs additional time to adequately prepare for trial in this matter. In addition, the defendant's counsel represents that defendant understands that he has a right to be tried within 70 days of his first appearance in this case, subject to certain excludable time periods; that based on the instant motion to continue, trial in this matter will be rescheduled from January 30, 2009, and will now commence March 11, 2009; that counsel has explained to him his right to a speedy trial and the reasons for the continuance request; that defendant knowingly, voluntarily and intelligently waives his right to a speedy trial; and that defendant knowingly, voluntarily and intelligently agrees and

consents to the rescheduling of trial in this matter based on his counsel's request for additional time.

Pursuant to 18 U.S.C. § 3161(h)(8)(A), the Court finds that the ends of justice served by the granting of the continuance in this matter outweigh the best interest of the public and the defendant in a speedy trial. This finding is based on the facts set forth by defense counsel at the hearing on this matter on December 12, 2008 and his representation that he needs additional time to properly prepare for trial.

Accordingly, IT IS HEREBY ORDERED that (1) trial in this matter will commence on March 11, 2009; and (2) the period from January 30, 2009, through March 11, 2009, shall be excluded from the Speedy Trial Act computations in this case.

Dated: 1/22/09

s/Richard H. Kyle
United States District Court Judge